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A COLLECTION OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1890.

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TITLES OF ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEAR 1890.

1. An Act to consolidate the Calcutta and the Suburban Police Superannuation Funds.
2. to amend the Bengal Vaccination Act, 1880.
3. to consolidate and amend the law relating to the Port of Calcutta, and to the appointment of Commissioners for the said Port.

BENGAL SECRETARIAT LIBRARY.

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IN THE

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W. J.—Reg. No. 1802J—2,000—28-9-91.

ACT No. I of 1890.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 20th January 1890 and of the Governor-General on the 18th February, 1890.)

BENGAL SECRETARIAT LIBRARY.

An Act to consolidate the Calcutta and the Suburban Police Superannuation Funds.

Preamble.

Whereas it is expedient to consolidate the Calcutta Police Superannuation Fund constituted under section 16 of Act IV, 1866, (the Calcutta Police Act, 1866), and the Suburban Police Superannuation Fund constituted under section 10 of Act II, 1866, (an Act to provide for the better regulation of the Police within the Suburbs of the Town of Calcutta); It is hereby enacted as follows:—

Amendment of section 16 of Act IV, 1866, and section 10 of Act II, 1866.

1. Section 16 of Act IV, 1866, and section 10 of Act II, 1866, from the words "and shall be applied" to the end of the said sections, respectively, are hereby repealed.

Consolidation of Police Superannuation Funds.

2. The Police Superannuation Funds, constituted respectively under section 16 of Act IV, 1866, and section 10 of Act II, 1866, shall be consolidated, and shall form one Police Superannuation Fund; and shall be applied from time to time to the payment of the charges, including salaries, pensions or gratuities, incurred in the control and management of the said fund, and of such superannuation or retiring allowances or gratuities as may be ordered by the Local Government at any time to any member of the Calcutta or Suburban Police Force:

Provided that any such member may be dismissed or removed without a superannuation allowance, and that no such member shall be entitled as of right to any allowance from the said fund, or shall retain any right to a refund of any deduction made from his pay while employed as such member.

Price six pies.

Repeal of section 17 of Act IV, 1866, and section 11 of Act II, 1866.

3. Section 17 of Act IV, 1866, and section 11 of Act II, 1866, are hereby repealed.

Proceeds from fines, &c., to be credited to Police Superannuation or other Fund as the Local Government directs.

4. All sums accruing from stoppages from members of the Calcutta or Suburban Police Force during absence from sickness or other cause, and fines imposed on members of such force for misconduct; and all sums accruing from fines imposed by Magistrates upon drunken persons, or for assaults upon members of such force; and all moneys arising from the sale of worn or cast-off clothing or other articles supplied for the use of the members of such force, shall be credited to the Police Superannuation Fund, or to such other Police Fund as the Local Government may, from time to time, direct.

Local Government may make rules for granting pensions and gratuities.

5. The Local Government may, from time to time, make rules to regulate the granting of pensions and gratuities out of the said Superannuation Fund.

E. J.II.—Reg. No.869G—2,000—7 3-90

BENGAL SECRETARIAT LIBRARY.

ACT No. II of 1890.

Passed by the Lieutenant-Governor of Bengal in Council.

(*Received the assent of the Lieutenant-Governor on the 1st February, 1890, and of the Governor-General on the 4th March, 1890.*)

An Act to amend the Bengal Vaccination Act, 1880.

Preamble.

Whereas it is expedient to amend the Bengal Vaccination Act, 1880; It is hereby enacted as follows:—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Amendment of Preamble of Act V, 1880.

2. In the Preamble of the Bengal Vaccination Act, 1880, for the words "the Town, Port, and Suburbs" the words "the Town of Calcutta, and the Port of Calcutta" shall be substituted.

Amendment of section 1, Act V, 1880.

3. In section one of the same Act, for the words "the Town, Port, and Suburbs" the words "the Town of Calcutta, and the Port of Calcutta" shall be substituted.

Amendment of definition of "Town of Calcutta."

4. (*1*) In section two of the same Act, for the definition of "Town of Calcutta" the definition "'Town of Calcutta' means Calcutta as defined by the Calcutta Municipal Consolidation Act, 1888," shall be substituted.

Addition to definition of "Port of Calcutta."

(*2*) In the same section, add the following to the definition of 'Port of Calcutta':—

"or any other law for the time being in force."

Repeal of definition of "Suburbs of Calcutta."

(*3*) In the same section, the definition of "Suburbs of Calcutta" is hereby repealed.

Price six pies.

Rules and orders in force before passing of Act to be in force in Calcutta as defined by Act II, 1888.

5. (*1*) All rules made and orders issued under section thirty-three of the Bengal Vaccination Act, 1880, relating to the Town of Calcutta in force immediately before the passing of this Act, shall be deemed to be in force in Calcutta as defined by the Calcutta Municipal Consolidation Act, 1888:

(*2*) The Local Government may, from time to time, modify or cancel such rules and orders.

(*3*) And all such rules and orders relating to the Suburbs of Calcutta are hereby repealed.

C. E. G.—Reg. No. 886G—2,000—14-3-90.

CALCUTTA PORT ACT, III OF 1890.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 22nd March*, 1890, *and of the Governor-General on the 15th May*, 1890).

An Act to consolidate and amend the law relating to the Port of Calcutta, and to the appointment of Commissioners for the said Port.

BENGAL SECRETARIAT LIBRARY.

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CALCUTTA PORT ACT, III OF 1890.

An Act to consolidate and amend the law relating to the Port of Calcutta, and to the appointment of Commissioners for the said Port.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Port of Calcutta, and to the appointment of Commissioners for the said Port; It is hereby enacted as follows:—

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CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (*1*) This Act may be called the "Calcutta Port Act, 1890".

(*2*) It shall come into force on such date as the Local Government may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette*, with the assent of the Governor-General.

Enactments repealed.

2. (*1*) On the commencement of this Act, the enactments specified in the First Schedule shall be repealed to the extent mentioned in the third column thereof.

(*2*) But this repeal shall not revive any office, authority or thing abolished by any such enactments, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued, before the commencement of this Act.

(*3*) All rules and bye-laws prescribed, appointments made, powers conferred, and notifications published under any such enactments shall, so far as may be, be deemed to be respectively prescribed, made, conferred, and published under this Act.

(*4*) Any enactment or document referring to any enactments hereby repealed shall be construed to refer to this Act, or the corresponding portion thereof.

(*5*) Nothing herein contained shall deprive any person of any right of property, or other private right, except as hereinafter expressly provided.

3. In this Act, unless there be something repugnant in the subject or context,—

Definitions.

(*1*) "The Commissioners" shall mean "the Commissioners of the Port of Calcutta" hereinafter incorporated.

"The Commissioners."

(*2*) "Commissioner" shall mean a member of the said Corporation.

"Commissioner."

(*3*) "Dock" shall include all basins, cuts, quays, wharves, warehouses, tramways and other works, and things appertaining to any dock.

"Dock."

(*4*) "Goods" shall include wares and merchandize of every description.

"Goods."

(*5*) "Land" shall include the bed of the river below high-water-mark.

"Land."

(*6*) "Master," when used in relation to any vessel, means any person not being a pilot, harbour-master or assistant harbour-master having for the time being the command or charge of such vessel.

"Master."

(*7*) "Pier" shall include any stage, stairs, landing-place, jetty, floating-barge or pontoon, and any bridges or other works connected therewith.

"Pier."

(*8*) "Port" shall mean the Port of Calcutta.

Port."

(*9*) "Vessel" shall include any ship, barge, boat, raft or craft, or any other thing whatever, designed or used for the transport upon water of passengers or goods.

"Vessel."

(*10*) "Wharf" shall include any bank of the river which may be improved to facilitate the loading or unloading of goods, and any foreshore used for the same, and any wall enclosing or adjoining such bank or foreshore.

"Wharf."

CHAPTER II.

Of the Constitution of the Port Commission.

Provision of Act to be carried out by body of Commissioners.

4. The duties of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a body of Commissioners to be called "the Commissioners for the Port of Calcutta;" and such body of Commissioners shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Constitution of Commissioners.

5. There shall be fifteen Commissioners, that is to say—

Chairman,

Vice-Chairman,

Eight elected Commissioners,

Five nominated Commissioners.

Election of Commissioners.

6. (*1*) Of the elected Commissioners—

five shall be elected by the Bengal Chamber of Commerce,

one by the Calcutta Trades' Association,

one by the Commissioners of the Town of Calcutta, and

one by such body or bodies, or firms, as the Local Government shall, from time to time, select as best representing the interests of the native mercantile community.

(*2*) The election shall be made in such manner as may be determined by the electing bodies, subject to the approval of the Local Government; and the name of every person so elected shall be published in the *Calcutta Gazette.*

In default of election, Local Government to appoint.

7. In the event of default being made by the electing bodies aforesaid in electing any Commissioner under the last preceding section within the period hereinafter prescribed in this behalf, it shall be lawful for the Local Government to appoint a person; and the person so appointed shall be deemed to be a Commissioner as if he had been elected.

Local Government to appoint nominated Commissioners, Chairman and Vice-Chairman by notification.

8. The nominated Commissioners, the Chairman and Vice-man shall be appointed by the Local Government by notification in the *Calcutta Gazette*.

Term of office of Chairman and Vice-Chairman.

9 The Chairman or the Vice-Chairman, as the case may be, shall continue to hold office until the Local Government cancels his appointment or appoints a successor.

Term of office of Commissioners.

10. Every person who shall be elected or appointed to be a Commissioner shall, subject to the provisions hereinafter contained, continue to hold the office to which he shall be elected or appointed for the term of two years; but may, at the expiration of such term, be re-elected or re-appointed.

Local Government to determine salary and allowances of Vice-Chairman.

Also to determine whether any fees should be paid to Chairman and Commissioners for attendance at meetings.

11. It shall be lawful for the Local Government by an order, from time to time, to determine whether any and what salary and allowances shall be paid to the Vice-Chairman; and whether any and what fees shall be paid to the Chairman and Commissioners for attendance at meetings, for transaction of the business of the Trust: and in the order directing the salary, allowances and fees to be paid as aforesaid, the Local Government may declare any conditions and restrictions upon, and under which, such salary, allowances and fees shall be payable.

Power to grant leave of absence to Vice-Chairman.

12. It shall be lawful for the Local Government to grant leave of absence to the Vice-Chairman, and to appoint a person to officiate for such Vice-Chairman during his absence on leave.

Local Government to fix leave allowance of Vice-Chairman.

13. (*1*) The Local Government shall also fix the amount of leave allowance to be granted to the Vice-Chairman, and the salary to be paid to the person who shall be appointed to his office.

(*2*) Any person appointed under this section to act for the Vice-Chairman shall, while so acting, have all the powers, and be liable to all the restrictions and limitations, which the Vice-Chairman under this Act has and is liable to.

Vacancies in number of Commissioners to be filled within one month.

14. All vacancies in the number of the Commissioners, whether elected or appointed under this Act, shall be filled by election or appointment, as the case may be, within one month.

Mode of filling temporary vacancies.

15. (*1*) A temporary vacancy caused by the absence on leave of any Commissioner for a period not less than three months, nor more than one year, shall be filled up by election or appointment in the manner hereinbefore provided.

Term of temporary appointments.

(*2*) A person elected or appointed under this section to fill a temporary vacancy shall hold office until the expiry of the term of leave granted to the Commissioner whose place he fills.

Mode of filling casual vacancies.

16. In the case of the death, resignation or disqualification of any Commissioner, a person shall forthwith be elected or appointed in his stead in the manner hereinbefore provided.

Disqualification of Commissioners.

17. Every person who, at any time after his election or appointment as a Commissioner, shall be absent from six consecutive meetings without having the permission in that behalf of the Commissioners, or who, having such permission, shall be absent from the meetings for a period exceeding one year;

(*a*) and every person who at any time after his election or appointment as a Commissioner shall accept or agree to accept any office or place of profit under this Act, except the office of Vice-Chairman; or

(*b*) who shall, save with the sanction of the Local Government, participate or agree to participate in the profits of any work done by order of the Commissioners, or be concerned or participate in the profits of any contract entered into with the Commissioners,

shall thenceforth cease to be a Commissioner, and his office shall thereon become vacant:

Provided that no Commissioner shall vacate his office by reason only of his being a shareholder in any Company registered under the provisions of any Act for the registration of joint-stock

companies, passed by any Indian Legislature or by the Parliament of the United Kingdom, or incorporated by Act of Parliament, Royal Charter or otherwise, with which the Commissioners may enter into any contract, or by reason of his being interested in any loan of money to the Commissioners:

Provided also that no Commissioner shall vacate his office by reason of his being interested in any purchase or lease of land or premises, the sale or lease of which the Commissioners may determine on at a meeting under the provisions of this Act; or of his being interested in any agreement under which facilities may be granted for the landing and shipment of goods in return for stipulated income guaranteed to the Commissioners, in consideration of their undertaking to construct or provide such facilities.

CHAPTER III.

OF THE BORROWING POWERS OF THE COMMISSION.

Power to raise money for works.

18. If the Local Government shall, with the previous sanction of the Governor-General in Council, by an order published in the *Calcutta Gazette* so direct, it shall be lawful for the Commissioners in meeting, from time to time, to raise money for the estimated cost of any of the following purposes sanctioned by the Local Government, to such extent as it may, from time to time, direct:—

(*a*) the construction and repair of works and erections necessary or expedient for carrying out the purposes of this Act;

(*b*) the acquisition of immoveable and moveable property requisite for such construction or repair as aforesaid; and

(*c*) the payment of such salaries, fees and expenses, and such principal and interest, as may be due by the Commissioners.

Power to borrow moneys by way of debenture.

19. When an order has been published under the last preceding section, it shall be lawful for the Commissioners in meeting to borrow any sums of money the Commissioners may require for the objects mentioned in the last preceding section by way of debenture on—

(*a*) the security of the property now vested, or which may hereafter become vested, in the Commissioners, and

(*b*) the tolls, dues, rates, rents and charges leviable under this Act,

less the sum of five-and-a-half lakhs set apart by the Commissioners as a reserve fund prior to the passing of this Act; and the further sums set apart by the Commissioners as a sinking fund, for the purpose of paying off the loans contracted under the authority of this Act or any enactment hereby repealed.

Form of debentures.

20. (*1*) All debentures which are issued under the authority of this Act shall be in the form prescribed in the Second Schedule, or in such other form as may, form time to time, be approved by the Commissioners in meeting and the Local Government; and shall be transferable by endorsement.

Right to sue on debenture vested in holders.

(*2*) The right to sue in respect of the moneys secured by any of such debentures, or the debentures issued under the authority of any enactment hereby repealed, shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Loans contracted by Commissioners to be first charge on property.

21. All loans contracted by the Commissioners, whether by way of debentures or otherwise under this Act, shall be a first charge on the property now vested, or which hereafter may become vested, in the Commissioners; and on the tolls, dues, rates, rents and charges leviable under this Act as provided by section nineteen.

Power to raise money for payment of loans.

22. The Commissioners in meeting may at any time, with the previous sanction of the Governor-General in Council, raise, either by borrowing from the Secretary of State for India in Council, or by way of debenture, any money that may be required to pay any amount for the time being due under the authority of this Act or any enactment hereby repealed.

Loans to be contracted in India and in Indian currency.

23. Unless the Local Government, with the previous sanction of the Governor-General in Council shall, by an order published in the *Calcutta Gazette*, otherwise direct, all loans contracted by the Commissioners under this Act shall be contracted in India and in the Indian currency.

Establishment of sinking fund.

24. (*1*) The Commissioners shall, in respect of each loan contracted by them by way of debenture under sections nineteen and twenty-two of this Act, set aside half-yearly out of their income before making any disbursements, a sinking fund of such an amount as will suffice to liquidate each such loan within a period not exceeding thirty years from the date of the contracting of the same.

Application of sinking fund.

(*2*) The Commissioners in meeting may, at any time, apply the whole or any part of a sinking fund set apart under this section, in or towards the discharge of the moneys for the repayment of which the fund has been established :

Provided that they pay into the fund in each year, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

Investment of sinking fund.

(*3*) Such sinking fund shall be invested in the promissory notes and other securities of the Government of India, or in the debentures issued by the Commissioners under this Act, in the names of two trustees ; one being the Commissioners, and the other a person to be appointed by the Local Government.

Power to borrow moneys for construction of works.

25. It shall be lawful for the Commissioners in meeting, from time to time, to borrow moneys from the Secretary of State for India in Council, at such rate of interest and upon such terms as to the time of repayment, and otherwise, as the Governor-General in Council may approve, for the construction, equipment, maintenance and management of any works, or arrangements sanctioned by the Local Government under this Act.

Government how to proceed on default of payment of interest.

26. In case of default of payment of any interest, the Secretary of State for India in Council shall have the same remedies as may be available to other debenture-holders of the Commissioners under this Act ; but nothing in this Act shall be deemed to confer upon the said Secretary of State for India in Council any prior or greater right than that conferred upon other debenture-holders of the Commissioners under this Act.

27. It shall be lawful for the Commissioners in meeting, if they think fit, out of any moneys which may come into their hands under the provisions of this Act, and which can be so applied without prejudicing the security of the other debenture-holders of the Commissioners under this Act, to repay to the said Secretary of State for India in Council any sum which, for the time being, may remain due to him under the provisions of this Act for principal; although the time fixed for the repayment of the same shall not have arrived:

Power to repay loans before due date.

Provided that no such repayment shall be made of any sum less than ten thousand rupees; and that, if such repayment is made, the amount of interest in each succeeding half-yearly instalment shall be adjusted, so as to represent exactly the interest due on the outstanding principal.

CHAPTER IV.

Of the General Powers of the Commission.

Part I.—*Of the Duties of the Commission.*

28. (*1*) No act or proceeding of the Commissioners shall be invalidated or illegal in consequence only of there being a vacancy in the number of the Commissioners at the time of doing or executing such act or proceeding.

Acts or proceedings of Commissioners not to be invalidated in consequence of vacancy.

(*2*) All proceedings of the Commissioners, or of any person acting as a Commissioner in the *bonâ fide* belief that he was duly elected or appointed, shall, notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the Commissioner or person acting as aforesaid, be as valid as if every such person had been duly elected or appointed to be a Commissioner.

Proceedings not to be invalidated by informality in election or appointment.

29. The Commissioners may, from time to time, in accordance with a resolution passed at a meeting, appoint Committees of their number for carrying into effect any part of the provisions of this Act, with such powers, and under such instructions,

Commissioners may appoint Committees.

directions or limitations as by such resolution shall be defined, and on any such Committee three members shall be a quorum: and the Commissioners in meeting shall have power to alter or discontinue any such Committee.

Commissioners to prepare, and in meeting sanction, schedule of establishment.

30. (*1*) The Commissioners shall, from time to time, prepare, and in meeting sanction, a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act.

(*2*) Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Commissioners in meeting sanction for each such officer or servant:

Provided that artisans, porters and labourers, and sirdars of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section, or of the three next succeeding sections of this Act.

Power to frame rules.

31. (*1*) The Commissioners in meeting shall, from time to time, frame rules—

(*a*) for regulating the grant of leave to the officers and servants of the Commissioners;

(*b*) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*c*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

(*d*) for regulating the period of service of all such officers and servants;

(*e*) for determining the conditions under which such officers and servants or any of them shall, on retirement, receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances; and

(*f*) for authorising the payment of contributions at certain prescribed rates, and, subject to certain prescribed conditions, to any Provident Fund which may, with their approval, be established by the officers and servants appointed under this Act:

Provided that officers and servants who were appointed by Government previous to the passing of the Calcutta Port Improvement Act, 1870, and whose salaries were paid from the fund know as 'The Calcutta Port Fund,' and who have continued in the service of the Commissioners appointed under the said Act, and of the Commissioners constituted by this Act, shall be entitled to retiring pensions, gratuities or compassionate allowances at the same rates, and subject to the same conditions as may, from time to time, be applicable to the servants of Government of similar standing and status.

Local Government to determine right of officer or servant to retiring pension, &c.

(*2*) In the event of any question arising as to the right of any such officer or servant to a retiring pension, gratuity or compassionate allowance, or as to the amount. of retiring pension, gratuity or compassionate allowance to which he is entitled, it shall be determined by the Local Government.

Rules not to take effect until confirmed by Governor-General in Council.

(*3*) Rules made under clauses (*a*) to (*e*) (both inclusive) shall not take effect, unless and until they have been confirmed by the Governor-General in Council.

Vice-Chairman to exercise certain powers with repect to officers and servants of Commissioners.

32. Subject to the provisions of the said rules, and of the schedule for the time being in force, framed by the Commissioners under section thirty, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Commissioners shall be exercised by the Vice-Chairman in the case of officers and servants whose monthly salary does not exceed two hundred rupees; and in every other case by the Commissioners in meeting.

Commissioners in meeting to exercise certain powers with respect to officers and servants.

33. The power of dispensing with the services of any officer or servant of the Commissioners otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the provisions of section thirty-one, be exercised by the Commissioners in meeting.

Certain orders of Commissioners subject to previous sanction of Local Government.

34. (*1*) Every order made by the Commissioners under any of the three last preceding sections shall, so far as the same relates to the Secretary, Engineer, Traffic Manager or Chief Accountant of the Commissioners, or to any other officer whose monthly salary shall exceed five hundred rupees, be subject to the previous sanction of the Local Government.

"Engineer" defined.

(*2*) In this section the word 'Engineer' means the Engineer of highest grade on the Commissioners' ordinary staff; and also any superior officer who may, from time to time, be employed in the capacity of Consulting Engineer to the Commissioners.

Works to be constructed and carried out by Commissioners.

35. The works to be constructed and carried out by the Commissioners under the provisions of this Act may include—

(*1*) Docks, wharves, quays, stages, jetties and piers within the port, with all necessary and convenient arches, drains, landing-places, stairs, fences and approaches; and quarters and buildings necessary for the residence of the officers employed therefor.

(*2*) Tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods landed or to be shipped, or carried, and accommodation for the sampling and selling of such goods. Such tramways, with the previous sanction of the Local Government, to be worked by locomotive engines or other motive power, drawing or propelling carriages and wagons for the conveyance of goods therein.

(*3*) Laying down moorings for carrying out the purposes of this Act; and the erection of cranes, scales, and all other necessary means and appliances, for loading and unloading vessels.

(*4*) Reclaiming, enclosing and raising any part of the river bank or the river bed within the port, which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act.

(*5*) The construction and application of dredges and other machines for cleaning, deepening and improving the river bed within the port.

(*6*) The building of steam-vessels required for the purpose of towing vessels in the port.

(*7*) The construction of such works without the limits of the port as shall be necessary for the protection of works executed under this Act; and all such other works and appliances as may, in the opinion of the Commissioners in meeting, be necessary for carrying out the purposes of this Act.

Government may order local survey and examination of works.

36. (*1*) The Local Government may, at any time, order a local survey and examination of any works of the Commissioners under this Act, or the intended site thereof.

Cost of survey and examination to be borne by Commissioners.

(*2*) The cost of such survey and examination shall be borne and paid by the Commissioners out of the moneys in their hands by virtue of this Act.

Local Government to restore, complete or construct works on failure of Commissioners.

37. (*1*) If the Commissioners shall allow any work constructed by them under this Act to fall into disrepair, or shall not complete any work commenced by them or included in any estimate as aforesaid submitted and approved of, and shall not, after due notice in writing, proceed effectually to repair or complete such work under this Act, it shall be lawful for the Local Government to cause such work to be restored, completed or constructed, either by the officers of the Local Government or any private contractor.

Cost of restoration, &c., of works to be debt due to Government.

(*2*) The cost of any such restoration, completion or construction shall be a charge on the works, and a debt due from the Commissioners to the Secretary of State for India in Council.

In default of execution of work, Local Government may withdraw and revoke powers of Commissioners.

38. (*1*) If at any time it shall appear to the satisfaction of the Local Government that the works intended to be accomplished under this Act have not been, and are not likely to be, properly carried out, or (if carried out) have not been, and are not likely to be, properly maintained by the Commissioners, it shall be lawful for the Local Government, by a notification to be published in the *Calcutta Gazette*, to declare that if, within a period of six

months from the date of such notification, the Commissioners fail to take measures to the satisfaction of the Local Government for the carrying out or proper maintenance of the said works, the powers by this Act conferred on the Commissioners will, at the end of such period, be withdrawn and revoked.

(*2*) And upon the expiration of the said period of six months, it shall be lawful for the Local Government, by an order published in the *Calcutta Gazette*, to declare such powers revoked.

Property vested in Commissioners to be transferred to, and vested in, Her Majesty.

39. By such last-mentioned order, and without the necessity of any conveyance, all immoveable and moveable property, all rights of levying and recovering tolls, dues and rates, all benefit of contracts and all rights of suit, which at the time may be vested in the Commissioners under this Act, shall be transferred to, and vested in, Her Majesty; and the rights of all creditors of the Commissioners under this Act shall continue as against the Secretary of State for India in Council to the extent of the property so transferred to, and vested in, Her Majesty.

PART II.—*Of the mode of transacting Business, and entering into Contracts.*

Meetings of Commissioners.

40. (*1*) The Commissioners shall meet, for the transaction of business, ordinarily once in every fortnight.

(*2*) Such meetings shall be held upon such day and at such hour as the Commissioners shall, from time to time, determine.

(*3*) At every meeting of the Commissioners five members shall constitute a quorum.

Chairman may call special meetings of Commissioners or Committee.

41. The Chairman, or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon request made in writing by three Commissioners or two members of any Committee, call a special meeting of the said Commissioners or Committee, as the case may be.

Chairman or Vice-Chairman to attend and preside at all meetings of Commissioners.

42. (*1*) The Chairman or Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman,

or, in his absence, the Vice-Chairman, shall preside at every such meeting.

(*2*) In the absence of both the Chairman and the Vice-Chairman, the Commissioners present at any meeting may choose one of their number to preside.

President may adjourn meetings.

43. The President of any meeting at which a quorum of the Commissioners shall be present may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

Minutes of proceedings to be kept open for inspection free of charge.

44. (*1*) Minutes of the proceedings of all meetings of the Commissioners under this Act shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting.

(*2*) The said minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge.

Votes to be taken by President.

45. (*1*) Whenever necessary, the votes of the Commissioners present in meeting shall be taken by the President, and the resolution supported by the greater number of votes shall be deemed to be the resolution of the Commissioners at such meeting.

(*2*) The President shall have a second or casting vote in all cases of equality of votes:

Provided that when votes are taken, any Commissioner present may require that the votes given on each side shall be recorded.

Copy of minutes of meetings to be preserved in Bengal Office.

46. A copy of the minutes of every meeting of the Commissioners shall, as soon as conveniently may be, be transmitted to such Secretary of the Local Government as shall, from time to time, be appointed for that purpose; and shall be preserved in the records of the office of such Secretary.

47. All the powers, authorities and duties, in and by this Act conferred or imposed upon the Commissioners, may be exercised and performed by the Chairman or Vice-Chairman, save the powers, authorities and duties by this Act, or by any rule, bye-law or order made under the provisions of this Act, conferred or imposed on, or restricted to, the Commissioners in meeting:

Chairman or Vice-Chairman may exercise certain powers of Commissioners.

Provided that such powers, authorities and duties shall not be exercised by the Chairman or Vice-Chairman in contravention of any order issued or rule passed by the Commissioners in meeting.

48. The Commissioners, in accordance with a resolution passed at a meeting, may enter into contracts with any body corporate, registered joint-stock company, or private person, for the execution or supply by them, or him, of any works, labour, materials, machines, stores, or for other matters necessary for carrying into effect the trusts and purposes of this Act:

Power of Commissioners to enter into certain contracts.

Provided always that no contract under, or by virtue of which a sum greater than, fifty thousand rupees may in any event be payable by the Commissioners, shall be valid without the assent of the Local Government.

49. The Vice-Chairman shall have power to carry out works and enter into contracts therefor up to one thousand rupees:

Power of Vice-Chairman to carry out works and enter into certain contracts.

Provided that such works are covered by the budget sanctioned under section seventy of this Act.

50. The Commissioners in meeting shall have power to sanction works and make contracts therefor:

Power of Commissioners in meeting to sanction works and make contracts.

Provided that if the estimated cost of the work exceeds two thousand rupees, it shall not be commenced, until a plan and estimate have been determined on and approved by the Commissioners in meeting.

Certain new works subject to approval of Government.

51. (*1*) No new work, the estimated cost of which exceeds fifty thousand rupees, shall be commenced by the Commissioners, nor shall any contract be entered into by them in respect of any such work, until the plan and estimate shall have been submitted to, and approved by, the Local Government.

(*2*) In case the estimated cost of any such new work shall exceed two lakhs of rupees, the Local Government shall not sanction the same, until such plan and estimate shall have been approved by the Governor-General in Council.

Commissioners may compound or compromise for any claim or demand made against them.

52. The Commissioners may in meeting compound or compromise for, or in respect of, any claim or demand made against them for such sum of money or other compensation as they shall deem sufficient.

Mode of executing contracts or agreements.

53. (*1*) Every contract and agreement by, or on behalf of, the Commissioners which shall exceed the sum of one thousand rupees shall be in writing and signed by the Chairman or Vice-Chairman, and by two other Commissioners; and shall be sealed with the common seal of the Commissioners.

(*2*) No contract nor agreement not executed as in this section is provided shall be binding on the Commissioners.

Officer or servant not to be concerned or interested in contracts or works of Commissioners.

54. No officer or servant of the Commissioners shall be in anywise concerned or interested in any contract or work made with, or executed for, the Commissioners; and if any such officer or servant be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Commissioners, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit by any person with full costs of suit:

Provided that nothing in this section shall apply to any person, by reason only of his being a shareholder in any registered or incorporated company which may enter into any contracts with, or execute any works for, the Commissioners; or of his being

interested as a debenture-holder in any loan contracted by the Commissioners.

PART III.—*Of the Property of the Commissioners.*

Powers of Commissioners as to property within or without limits of port.

55. The Commissioners shall, for the purposes of this Act, have power to acquire and hold immoveable or moveable property, whether within or without the limits of the port, by conveyance, gift, lease, assignment or sale from the Governor-General in Council, or the Local Government, on behalf of the Secretary of State for India in Council, or any corporate body, or any registered joint-stock company or private person; and they shall also have power in meeting to lease or sell any immoveable or moveable property, which may have become vested in, or been acquired by, them:

Provided that no such sale, or other alienation or lease of any immoveable property for any estate or interest exceeding the term of ten years, shall be valid, unless the sanction of the Local Government to such sale, alienation or lease shall have been first obtained.

Powers of Commissioners in certain cases subject to assent of Local Government.

56. It shall not be lawful for the Commissioners to demise, farm, sell or alienate any power which, by or under this Act, may become vested in them of levying tolls, dues, rates, rents or charges, unless the assent of the Local Government to such demise, farm, sale or alienation shall have been first obtained.

Property and moneys of Commissioners to be held upon trust for purposes of Act.

57. All property vested in, or acquired or held by, and all moneys paid or payable to, the Commissioners, shall be held upon trust for the purposes of this Act, and not otherwise.

Acquisition of land or building for purposes of Act.

58. (*1*) When any land or building is required for the purposes of this Act, the Local Government in its discretion may declare that the land or building is required for a public purpose; and may order proceedings to be taken for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any law in force for the acquisition of land for public purposes.

(*2*) On payment by the Commissioners of the compensation payable under such law, and of the charges reasonably incurred by the Collector in respect of the proceedings thereunder, such land or building shall vest in them for the purposes of this Act.

Land or building so acquired to vest in Commissioners.

PART IV.—*Of the Assessment of the Property of the Commissioners.*

59. For the purposes of municipal assessment, the annual value of the property vested in the Commissioners within the municipal limits of Calcutta shall be ascertained in the following way:—

Annual value of property vested in Commissioners how to be ascertained.

(*1*) The aggregate expenditure incurred in the construction of all docks, wharves, quays, stages, jetties, piers and other works belonging to the Commissioners; also in the purchase of lands; also in the construction of offices, warehouses and other buildings belonging to them within the limits of Calcutta, as defined by the Calcutta Municipal Consolidation Act, 1888, shall be determined.

(*2*) Expenditure incurred in procuring or putting up machinery shall not be included in such aggregate expenditure.

(*3*) Expenditure incurred from time to time on account of repairs necessary to maintain any works or buildings in good order shall not be included in such aggregate expenditure.

(*4*) Expenditure for the purpose of materially adding to, or improving, any work or building shall be included in such aggregate expenditure.

(*5*) Five per cent. on the aggregate expenditure determined in the manner hereinbefore provided shall be the annual value of the rateable property of the Commissioners, within the meaning of section one hundred and twenty-two of the Calcutta Municipal Consolidation Act, 1888.

60. The sum to be paid to the Corporation of Calcutta as the consolidated rate payable on the annual value determined as in the last preceding section provided shall be nine-tenths of the amount which would be payable by an ordinary owner occupying his own buildings and lands.

Sum paid as consolidated rate on annual value to be nine-tenths of amount payable by ordinary owner.

Amount to be paid by four quarterly instalments.

61. Such amount shall be payable in four quarterly instalments due on the first day of April, the first day of July, the first day of October, and the first day of January for the quarters beginning with those days; and if not so paid, the Corporation of Calcutta shall have the same remedies for the recovery of each instalment, as in the case of other rate-payers.

Annual value to be determined by Calcutta Corporation.

62. The annual value shall, from time to time, be determined by the Corporation of Calcutta; and sections one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three, one hundred and thirty-five and one hundred and thirty-six of the Calcutta Municipal Consolidation Act, 1888, shall apply to such valuation.

Annual value may be fixed by Local Government in certain cases.

63. In the event of the Commissioners being dissatisfied with the order passed on objection by the Chairman or Vice-Chairman of the Corporation of Calcutta, they may, within one month, make a reference to the Local Government; and the Local Government shall thereupon fix the annual value, in accordance with the provisions of section fifty-nine: and the decision of the Local Government shall be final and valid for a period of six years.

First valuation when to be made, and when to take effect.

64. The first valuation under the provisions of this Act shall be made when the New Dock is opened to traffic; and if the annual value is fixed by the Local Government, in accordance with the provisions of the last preceding section, such valuation shall take effect from the date when the special notice is given under section one hundred and thirty-three of the Calcutta Municipal Consolidation Act, 1888.

Calcutta Corporation to determine annual value of new buildings, &c., if acquired during currency of valuation.

65. (*1*) If, during the currency of a valuation made under the provisions of this Act, any new building, dock, jetty or other work is constructed, or any new land is acquired by the Commissioners, or any material improvement is made in any building, dock, jetty or other work within Calcutta, the Corporation of Calcutta may determine the annual value of such new building, work or land, or of such improvement, and may add it to the annual value previously ascertained.

(*2*) The provisions of sections fifty-nine to sixty-three (both inclusive) shall apply to such valuation.

Annual value may be renewed at expiration of first valuation.

66. At the expiration of the first valuation made under this Act, such valuation, including any alterations made under the last preceding section, may, if so agreed upon by the Commissioners and the Corporation of Calcutta, be renewed for a further period of six years; and may similarly be renewed, from time to time, for periods of six years.

Power of Calcutta Corporation to declare road or thoroughfare vested in Commissioners a public street.

67. (*1*) The Corporation of Calcutta, on being satisfied that any road or thoroughfare vested in the Commissioners is not less than forty feet in width, and has been duly levelled, paved, metalled, flagged, channelled, and sewered, shall, at the request of the Commissioners, declare such road or thoroughfare to be a public street as defined by the Calcutta Municipal Consolidation Act, 1888; and thereupon the same shall become a public street, and be from time to time lighted, cleansed, watered, and repaired by the Corporation of Calcutta.

Corporation not to discontinue or stop up road or thoroughfare without consent of Commissioners.

(*2*) It shall not be competent to the Corporation of Calcutta to discontinue or stop up any such road or thoroughfare, without the previous consent of the Commissioners; and the land occupied by any road or thoroughfare so discontinued or stopped shall vest in the Commissioners, and not in the Corporation of Calcutta.

Calcutta Corporation may be required to light, cleanse, and water roads.

68. The Commissioners may, without parting with the control of any road or thoroughfare which is open to the public, or of the road of any dock, wharf or jetty, call upon the Corporation of Calcutta to light, cleanse, and, if necessary, water such road; and thenceforward the Corporation of Calcutta shall light, cleanse, and, if necessary, water such road:

Provided that such road shall remain vested in the Commissioners, and shall not be stopped or discontinued, or temporarily closed, except by the Commissioners, or with their consent.

PART V.—*Of the Estimates of Income, Expenditure and Audit.*

Estimate of income and expenditure to be laid before Commissioners at special meeting.

69. (*1*) The Vice-Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Commissioners an estimate of the income and of the expenditure of the Commissioners for the year, commencing on the first day of April then next ensuing, in such detail and form as the Local Government shall, from time to time, direct.

Estimate when to be so laid.

(*2*) Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each Commissioner at least ten clear days prior to the meeting before which the estimate is to be laid.

Commissioners in meeting to consider and sanction estimate.

70. The Commissioners in meeting shall consider the estimate as submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

Power of Local Government to disallow estimate and return it for amendment.

71. (*1*) The estimate as sanctioned by the Commissioners shall, before the beginning of the year for which the estimate is made, be submitted to the Local Government who may, if it thinks fit, at any time within three months after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment.

Estimate to be re-submitted to Local Government after amendment.

(*2*) The Commissioners shall, if the estimate is so returned, forthwith proceed to amend the same; and shall re-submit the estimate so amended to the Local Government.

Commissioners may cause supplementary estimate to be prepared.

72. (*1*) The Commissioners may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them.

Supplementary estimate to be submitted to Local Government.

(*2*) Every such supplementary estimate shall be considered and sanctioned by the Commissioners in meeting, and submitted to the Local Government in the same manner as if it were an original annual estimate.

Limit of expenditure.

73. Save in cases of pressing emergency, no sum exceeding five thousand rupees shall be expended by, or on behalf of, the Commissioners unless such sum is included in some estimate at the time in force, which has been finally approved by the Local Government.

Excess expenditure to be reported to Local Government.

74. If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Vice-Chairman to the Local Government, together with an explanation of the way in which it is proposed by the Commissioners to cover such extra expenditure.

Commissioners not to maintan officer or servant without authority.

75. No officer or servant, as defined in section thirty, may be maintained by the Commissioners, unless his salary has been provided in an estimate at the time in force.

Audit and examination of accounts.

76. (*1*) The accounts of the receipts and expenditure under this Act shall once in every year be audited, examined, and laid before the Local Government.

Auditor's report to be delivered to Commissioners in meeting.

(*2*) Within fourteen days after the audit and examination shall have been completed, the auditor shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners in meeting, who shall cause the same to be deposited in the office of the Commissioners and to be published in the *Calcutta Gazette*, and in some one or more of the daily newspapers published in Calcutta.

Local Government to appoint auditors.

77. The audit shall be made by such public department, or by such auditors as shall, from time to time, be appointed by the Local Government.

Auditors may require production of books, &c., for audit of accounts.

78. (*1*) For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary; and may require any persons holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear before

them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Penalty.

(2) If any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred rupees.

Remuneration to auditors not being a public department.

79. All auditors, not being a public department acting under this Act, shall, in respect of each audit, be paid by the Commissioners such remuneration as the Local Government shall, from time to time, determine.

Accounts to be kept in office of Commissioners and to be open for inspection.

80. A copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and thereat be open during office hours to the inspection of any person on payment of a fee of one rupee on each occasion of inspection, for seven days before the audit and examination; and all such persons shall be at liberty to take copies of, or extracts from, the same without further payment.

PART VI.—*Of Landing-places and Bathing-Ghats.*

Commissioners in meeting to provide public landing-places.

81. The Commissioners in meeting shall provide a sufficient number of public landing-places, from and upon which the public shall be permitted to embark and to land free of charge.

Powers with respect to bathing-ghâts and landing-places.

82. It shall be lawful for the Commissioners in meeting, if they consider it necessary for the purposes of this Act, to occupy or remove any bathing-ghât or landing-place within the port; and thereafter to prohibit the public from resorting to, or using, the same:

Provided that the Commissioners shall reserve, set out, make and provide for the use of the public, such sufficient bathing-ghâts within the port as the Local Government may direct.

PART VII.—*Of the Erection of Wharves, Quays, Stages, Jetties, Piers or Moorings.*

Wharves, &c., not to be erected by private person without assent of Local Government.

83. It shall not be lawful for any person or persons, save the Commissioners, to make, erect or fix below high-water-mark within the port any wharf, quay, stage, jetty, pier, erection or mooring, unless the assent of the Local Government shall have been first obtained.

Penalty for unlawfully erecting wharves, &c.

84. Any matter or thing which may be so made, erected or fixed, may be removed by the Commissioners; and the person who shall have so made, erected or fixed any such matter or thing, shall be liable on conviction to a fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees, for every day during which such matter or thing shall have been permitted to remain so made, erected or fixed after notice to remove the same shall have been given to him; and shall also be liable to pay all expenses which may have been incurred by the Commissioners in removing such matter or thing:

Provided that this section shall not apply to moorings laid down or to be laid down by the Conservator of the Port.

Power to remove wharf, &c., if erected without limits of port.

85. In case any wharf, quay, stage, jetty, pier, erection or mooring may have been, or shall hereafter be, made, erected or fixed below high-water-mark without the limits, for the time being, of the port, and thereafter the limits of the port shall be extended so as to include the place on which such wharf, quay, stage, jetty, pier, erection or mooring shall have been made, erected or fixed, it shall be lawful for the Commissioners, with the sanction of the Local Government in writing, to remove, fill up, or destroy such wharf, quay, stage, jetty, pier, erection or mooring:

Provided that any person who may have lawfully made, erected or fixed such wharf, quay, stage, jetty, pier, erection or mooring, or who may have acquired a prescriptive right thereto by possession of sixty years or upwards, his representatives or assigns, shall be entitled to institute a civil suit for the award of compensation to him for the injury caused by the removal, filling up, or destruction hereinbefore mentioned.

86. Whenever any wharves, quays, stages, jetties, piers, erections or moorings have, under the last preceding section, been removed, filled up or destroyed, the Commissioners shall make or provide for the use of the public such sufficient and convenient wharves, quays, stages, jetties, piers, erections or moorings in the place of those that may be removed, filled up or destroyed, as the Local Government may direct.

Commissioners to provide wharves, &c., for use of public.

87. When the Local Government shall, under the provisions of any Act for the regulation of duties of customs, appoint any wharf, quay, stage, jetty or pier, erected or acquired under this Act for the use of sea-going vessels, to be a wharf for the landing of goods within the meaning of such enactment, the Commissioners shall set apart, maintain and secure on such wharf, quay, stage, jetty or pier, such portion thereof, or place therein, or adjoining thereto, for the use of the Officers of Customs, as the Local Government shall in that behalf approve or appoint.

Commissioners to provide wharves, &c., for use of Customs Officers.

88. Notwithstanding that any wharf, quay, stage, jetty or pier, or portion thereof, shall, under the provisions of the last preceding section, have been set apart for the use of the Officers of Customs, all tolls, dues, rates, rents or charges payable in respect thereof, or for the use thereof, or for the storage of goods thereupon, shall be paid and payable to the Commissioners, or to such person or persons as they may appoint to receive the same.

Tolls, &c., in respect of wharves, &c., set apart for Customs Officers to be paid to Commissioners.

89. (*1*) In case any damage or mischief shall be done to any dock, wharf, quay, stage, jetty, pier, or works constructed or acquired by the Commissioners under the provisions of this Act, by any vessel, through the negligence of any person having the guidance or command thereof, or of any of the mariners or persons employed therein, it shall be lawful for any Magistrate, having jurisdiction in the place where such damage or mischief is alleged to have been committed, on the application of the Commissioners, to issue a summons to the master of, or agent for, such vessel requiring him to attend on a day and at an

Magistrate to summon masters of vessels with respect to damage caused to wharves, &c.

hour named in the summons to answer touching such damage or mischief:

Provided that if at the time of the damage or mischief the vessel was under the orders of a duly authorized officer belonging to the Pilot service, or the Harbour Master's, or Port Officer's department, the case shall not be cognizable by the Magistrate under this section.

Magistrate to issue warrant of distress if damage to wharves, &c., caused by negligence.

(2) If at the time appointed in the summons, and whether the person summoned shall appear or not, the Magistrate finds that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees, it shall be lawful for the Magistrate to issue his warrant of distress under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of, and attending the execution of, the distress and the pecuniary amount of damage as aforesaid; and such amount shall be paid to the Commissioners out of the proceeds of the distress.

PART VIII.—*Of the Landing and Shipment of Goods.*

Commissioners to provide for landing, &c., goods from sea-going vessels.

90. The Commissioners shall, when thereunto required by the Local Government, provide and keep, and maintain sufficient servants and apparatus for the expeditious and convenient landing and shipment of goods from and upon all sea-going vessels brought to the docks, wharves, quays, stages, jetties or piers erected by them; and shall, by their servants, land and ship all goods from and upon any such vessel so coming to such dock, wharf, quay, stage, jetty or pier, unless where there is a legal excuse for refusing to land or ship such goods, or such vessel is by reason of the breach or non-observance of any law or regulation not entitled to have her goods shipped or discharged:

Provided that the Commissioners shall not be bound to land, ship, or move any single article or package exceeding thirty tons of twenty hundred-weight in weight, except at such special charge as may be agreed on in respect of such article or package.

Commissioners to grant receipts for goods landed by them.

91. (*1*) Whenever any goods shall be landed by the Commissioners from any vessel under the powers by this Act conferred on them, they shall, if thereunto required, give to the person in charge of such vessel a receipt in the form or to the effect prescribed in the Third Schedule; and may, in any such receipt, include all goods landed from such vessel during one day.

Liability for loss, &c., of goods to cease when once landed.

(*2*) No person to whom such receipt shall have been so given, nor the master nor owner of the vessel from which the goods in respect of which such receipt shall be given may have been landed, shall be liable for any loss or damage to such goods which may occur after they shall have been so landed.

Commissioners to declare when docks, &c., are ready for landing goods from sea-going vessels.

92. When any dock, wharf, quay, stage, jetty or pier erected under the provisions of this Act shall have been made and completed, together with sufficient warehouses, sheds, cranes and moorings for landing and shipment, or for landing or for shipment, of goods from and upon sea-going vessels, it shall be lawful for the Commissioners, with the sanction of the Local Government by a notification published in three consecutive numbers of the *Calcutta Gazette*, to declare that such dock, wharf, quay, stage, jetty or pier is ready for receiving, landing and shipment, or for landing or for shipment of goods from and upon sea-going vessels.

Commissioners may order sea-going vessels to load or unload at docks, &c., when accommodation available.

93. From and after such notification and publication, it shall be lawful for the Commissioners to require the Conservator of the Port, or other persons exercising the rights, powers and authorities of the Conservator of the Port from time to time, when there shall be room at such dock, wharf, quay, stage, jetty or pier, to order to come alongside of such dock, wharf, quay, stage, jetty or pier for the purpose of being laden or unladen by the Commissioners, any sea-going vessel which shall not have commenced to discharge goods, or which, being about to take in goods, shall not have commenced to take in goods.

Penalty for landing or shipping goods in contravention of order.

94. If after such order of the Conservator of the Port or other person aforesaid, the owner or master of any such vessels shall either take in or discharge goods, save and except at such dock, wharf, quay, stage, jetty or pier to which such vessel shall have been so ordered, the owner thereof, or, in case he shall not be in Calcutta, the master thereof, shall be liable to a penalty of one hundred rupees for each day that he shall land or ship, or attempt to land or ship, any goods in contravention of such order.

Power to direct goods not to be landed from sea-going vessels save at docks, &c., erected by Commissioners.

95. (*1*) When a sufficient number of docks, wharves, quays, stages, jetties or piers shall have been erected under this Act for the landing and shipment of goods of all sea-going vessels resorting to the port, it shall be lawful for the Commissioners in meeting, with the sanction of the Local Government, by an order published in three consecutive numbers of the *Calcutta Gazette*, to direct that, without the express sanction of the Commissioners, no goods shall be landed or shipped from or upon any sea going vessel within the port save at such docks, wharves, quays, stages, jetties or piers.

(*2*) And by an order in like manner published, to alter, vary or revoke any such order.

Penalty for landing or shipping goods after publication of order.

96. Whoever shall, after such order has been so published as aforesaid, land or ship, or attempt to land or ship, any goods in contravention of such order, shall be liable to a fine not exceeding two hundred rupees for every day that he shall so land or ship any goods in contravention of the said order:

Provided that, notwithstanding anything in this or in sections ninety-two, ninety-three, and ninety-four contained, it shall be lawful for the Local Government by notification in the *Calcutta Gazette*, from time to time, if it shall so think fit, to declare that certain specified vessels, or classes of vessels, shall be permitted to discharge or ship goods; or that certain specified goods, or classes of goods, shall be permitted to be landed or shipped elsewhere, and at such part of the Port of Calcutta, and for such time and on such conditions as it may think fit.

Commissioners to declare when docks, &c., are ready for landing goods from inland vessels.

97. (*1*) When any dock, wharf, quay, stage, jetty or pier for receiving, landing or shipment of goods from vessels (not being sea-going vessels) shall have been made and completed with all proper appliances in that behalf, it shall be lawful for the Commissioners in meeting, with the sanction of the Local Government by an order published in three consecutive numbers of the *Calcutta Gazette*, to declare that such dock, wharf, quay, stage, jetty or pier is ready for receiving, landing or shipment of goods from vessels (not being sea-going vessels); and in the same way and with the same sanction to order that within certain prescribed limits to be therein specified in that behalf, it shall not be lawful, without the express sanction of the Commissioners, to land or ship any goods out of, or into, any vessel (not being a sea-going vessel) of any class specified in such order, except at such dock, wharf, quay, stage, jetty or pier.

(*2*) And by an order in like manner published, to alter, vary or revoke any such order.

Suit may be instituted for award of compensation.

98. Whenever any order made and published under sections ninety-five and ninety-seven shall have the effect of rendering it unlawful to land or ship any goods out of, or into, any vessel at any wharf, quay, stage, jetty or pier lawfully made, erected or fixed by any person for the convenience of private traffic, or to which a prescriptive right may have been acquired by possession of sixty years or upwards, such person, his representatives or assigns, shall be entitled to institute a civil suit for the award of compensation to him for the injury caused by the order hereinbefore mentioned:

Provided that in awarding such compensation the Court shall not take into consideration any tolls, dues, rates or charges which the aforesaid person claiming compensation shall be liable to pay for using the wharf, quay, stage, jetty or pier provided by the Commissioners for public use:

Provided also that it shall be lawful for the Commissioners, in lieu of closing any wharf, quay, stage, jetty or pier under either of the said sections, to allow the continued use thereof, on payment of such scale of tolls, dues, rates and charges as may be agreed upon between the owners thereof and the Commissioners.

Goods not be landed from inland vessels save at docks, &c.

99. (*1*) After the publication of the order mentioned in section ninety seven of this Act, it shall not be lawful for any vessel of such class to land or ship any goods at any place within the limits so specified except at such dock, wharf, quay stage, jetty or pier; nor for any such vessel while within such limits, to anchor, fasten or lie within fifty yards of the ordinary low-water-mark without the consent of the Commissioners.

Penalty for breach of provisions.

(*2*) Any person guilty of any breach of the provisions of this section shall be liable to a fine not exceeding fifty rupees for every such breach.

Power to remove vessels lying within 50 yards of low-water-mark.

100. If after the publication of the order mentioned in section ninety-seven of this Act, any such vessel shall, while within such limits, so anchor, fasten, or lie, it shall be lawful for the Commissioners to cause the same to be removed out of the said limits, and it shall be the duty of the Conservator of the Port to aid and assist the Commissioners in so removing such vessel.

Commissioners may require masters to remove vessels from docks, &c.

101. The Commissioners may, by notice in writing, order the master, owner or agent of any vessel to remove such vessel from any dock, wharf, quay, stage, jetty or pier belonging to the Commissioners.

Power to charge vessels for use of docks, &c., after service of notice for their removal.

102. Unless such vessel shall be removed therefrom within thirty-six hours after service of such notice on the officer in charge of such vessel, or the master, owner or agent thereof, it shall be lawful for the Commissioners to charge in respect of such vessel for the use by such vessel of such dock, wharf, quay, stage, jetty or pier, such sum not exceeding five hundred rupees for each day of twenty-four hours, or portion of such day, after the expiry of such thirty-six hours, during which such vessel shall remain at such dock, wharf, quay, stage, jetty or pier as to the Commissioners shall seem fit.

PART IX.—*Of Levying Tolls and Rates.*

Commissioners to frame scale of tolls, &c., for landing goods from sea-going vessels.

103. The Commissioners shall frame a scale of tolls, dues, rates and charges for the landing and shipment of goods from and into sea-going vessels at the docks, wharves, quays, stages, jetties and piers belonging to the Commis-

sioners, and for the use thereof by such vessels, and for the storing and keeping of any goods stored in any premises belonging to them, and for the removal of goods, and for the use of any moorings laid down or acquired by the Commissioners, and for the towage of vessels by the steam-vessels of the Commissioners in the Port.

Commissioners to frame scale of tolls, &c., for landing goods into inland vessels.

104. The Commissioners shall also frame a scale of tolls, dues rates and charges for the landing and shipment of goods into and out of any vessel (not being a sea-going vessel); and also a scale of tolls for the use of the said docks, wharves, quays, stages, jetties and piers by any such vessel, in case the Commissioners shall permit the goods to be landed or shipped by other than their own officers and servants.

Commissioners to frame scale of charges for services in respect of vessels or goods, &c.

105. The Commissioners shall also frame a scale of charges for any services to be performed by the Commissioners or their servants in respect of any vessel or goods, or for the conveyance of goods by their tramways, or for the use of any works or appliances to be provided by the Commissioners.

Commissioners to frame scale of tolls in respect of vessels plying for hire within limits of port.

106. The Commissioners shall also frame a scale of tolls, annual or other, to be paid by the owners of any vessels plying for hire, whether regularly or occasionally within, or partly within and partly without, the limits of the port:

Provided that no such tolls shall be chargeable in respect of vessels which are liable to pay port dues under the provisions of Schedule I of the Indian Ports Act, 1889.

Scales of tolls, &c., to be published after approval by Local Government.

107. (*1*) Such scales of tolls, dues, rates and charges shall be adopted by the Commissioners in meeting, and shall be submitted to the Local Government; and after receiving its approval shall be published by the Commissioners in the *Calcutta Gazette*, and may, from time to time, subject to the like approval and publication, be in like manner altered.

(2) It shall also be competent to the Local Government at any time to cancel any of the scales framed under sections one hundred and three to one hundred and six (both inclusive), or to call upon the Commissioners to modify any portion of such scales; and thereupon the Commissioners in meeting shall modify such scales accordingly.

Power of Local Government to cancel scale of tolls, &c.

108. If, on the preparation of the estimate of any year, it shall appear that the estimated income of the Commissioners for such year, after deducting therefrom the estimated expenditure of such year to be incurred under this Act, will be insufficient for the payment of the sums which, under the provisions of this Act, will be payable during such year to the Secretary of State for India in Council, and to the holders of debentures under this Act or any enactment hereby repealed; or if, at any time in the course of a year, it may appear that the actual income of such portion of the year as may have then elapsed and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be so insufficient, then and in every such case the Commissioners shall, upon the requisition of the Local Government, from time to time and to the extent requisite in every case, charge upon all goods landed from or shipped into any vessel lying or being within the limits of the port, whether such goods shall or shall not be so landed or shipped at any dock, wharf, quay, stage, jetty or pier belonging to the Commissioners, such tolls, dues, rates and charges in addition to, or other than, those prescribed by any scale of tolls, dues, rates and charges for the time being in force under the provisions of sections one hundred and three to one hundred and seven (both inclusive) as will, when added to the said income of the year, suffice as nearly as may be for the payment of the said sums in full.

Power of Commissioners to charge additional tolls, &c, on all goods to provide for payment of debt.

109. Such tolls, dues, rates and charges shall be fixed and adopted in accordance with a resolution passed by the Commissioners at a meeting, and shall be submitted to the Local Govern-

Mode of levy and recovery of additional tolls, &c.

ment; and if the same shall be approved by it shall be published in the *Calcutta Gazette*, and shall forthwith come into operation and remain in operation until altered or revoked by the Commissioners in meeting, with the sanction of the Local Government: and shall be leviable and recoverable in like manner as any other tolls, dues, rates and charges payable under this Act.

Power of Local Government to charge tolls, &c., on neglect of Commissioners to do so.

110. (*1*) In case the Commissioners shall, for fifteen days after the receipt by them of any such requisition from the Local Government as in section one hundred and eight is mentioned, neglect or refuse to charge such tolls, dues, rates and charges, it shall be lawful for the Local Government, by an order published in the *Calcutta Gazette*, to charge such tolls, dues, rates and charges.

Tolls, &c., to have same effect as if passed by Commissioners in meeting.

(*2*) The tolls, dues, rates and charges mentioned in such order shall have such and the same effect as if they had been fixed and adopted by the Commissioners in meeting, and approved by the Local Government, and published in the *Calcutta Gazette*, as in section one hundred and nine is mentioned.

Recovery of tolls in arrear.

111. (*1*) For the amount of all tolls, dues, rates and charges duly leviable under this Act in respect of any goods, the Commissioners shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid.

(*2*) Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods.

(*3*) Tolls, dues, rates and charges in respect of goods to be removed from the premises of the Commissioners, or to be shipped for export, shall be payable before the goods are removed or shipped.

(*4*) The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except for general average, for the ship-owner's lien for freight upon the said goods where such lien exists and has been preserved in the manner hereinafter

provided, for primage, and for money payable to Her Majesty or the Secretary of State for India in Council, under any law for the time being in force:

Provided that nothing in this Act shall affect any power or authority vested in the Chief Officer of Customs under any law for the time being in force.

Commissioners not liable for damage through cause not arising from their negligence.

112. The Commissioners shall not be liable for any damage which may be sustained through any cause not arising from negligence on the part of the Commissioners to any goods whether landed for import or received for export during such time as the said goods remain in the possession or under the control of the Commissioners.

Commissioners to take charge of goods.

113. (*1*) The Commissioners shall, immediately upon the landing of any goods, take charge thereof, and store such as are liable to suffer from exposure in any shed or warehouse belonging to the Commissioners.

Goods to remain at risk and expense of owner if not removed within two days.

(*2*) If any owner, without any default on the part of the Commissioners, fail to remove any goods from the premises of the Commissioners within two clear working days from the time of landing, such goods shall remain on the premises at the sole risk and expense of the owner.

Commissioners to give notice to consignee, &c., of cessation of liability.

114. (*1*) Whenever the owner of any goods fails to remove the same within the time specified in the last preceding section, the Commissioners shall give notice to the consignee or owner of such goods, if his address be known, by letter sent by post to such address or left thereat, that all liability which the Commissioners may have hitherto incurred in respect of such goods has ceased.

Also to publish notice of expiry of such liability.

(*2*) And shall also publish in one or more daily newspapers notice of the expiry of such liability; and shall specify therein the numbers, marks and descriptions of such goods, so far as the same may appear.

115. In case the said goods shall be removed to the public warehouses, then the consignee or owner shall be liable to the charges for warehousing goods in such public warehouses; and the goods shall remain subject to all liens to which they would have been liable, if they had remained in the possession of the Commissioners, and to the power of sale hereinafter given.

Liability of consignee or owner with respect to goods stored in public warehouses.

116. (*1*) If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any dock, wharf, quay, stage, jetty or pier belonging to the Commissioners, shall give to the Commissioners notice in writing that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner to an amount to be mentioned in such notice, such goods shall continue liable to the same lien (if any) for such charges as they were subject to before the landing thereof.

Lien for freight preserved after landing of goods if notice of lien be given.

(*2*) Such goods shall be retained either in the warehouses and sheds of the Commissioners, or, with the consent of the Chief Officer of Customs, in the public warehouses, at the risk and expense of the owners of the goods, until the lien is discharged as hereinafter mentioned.

Goods to be retained in warehouses and sheds until discharge of lien.

117. Upon the production to the officer of the Commissioners in that behalf of a document purporting to be a receipt for the amount claimed as due, or a release of freight from the person by or on whose behalf such notice shall have been given, it shall be lawful for the Commissioners to permit such goods to be removed without regard to such lien:

Commissioners may permit goods to be removed without regard to lien.

Provided they shall have used reasonable care in respect to the authenticity of such document.

118. If the tolls, dues, rates and charges payable to the Commissioners in respect of any goods under this Act are not paid, or if the lien of the ship-owner for freight, where such notice as aforesaid has been given, is not discharged, the Commissioners may, and

Power of Commissioners to sell goods by public auction.

in the latter event if required by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were placed in their custody, or, if the goods are of a perishable nature, at such earlier period, being not less than twenty-four hours after the landing of the goods as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Notice to be given before sale of goods.

119. (*1*) Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Calcutta Gazette,* unless the goods are of so perishable a nature as in the opinion of the officer of the Commissioners in that behalf to render immediate sale necessary or advisable; in which event, such notice shall be given as the urgency of the case admits of.

Notice to be given to owner by letter if address be known.

(*2*) If the address of the owner of the goods has been stated on the manifest of the goods, or in any of the documents which have come into the hands of the Commissioners, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by the post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Application of proceeds of sale.

120. (*1*) In every case of any such sale as aforesaid, the moneys received from the sale shall be applied as follows:—

(*a*) in payment of the expenses of the sale;

(*b*) in payment according to their respective priorities of the liens and claims excepted in section one hundred and eleven from the priority of the liens of the Commissioners for tolls, rates and dues; and

(*c*) in payment of the tolls, charges and expenses of landing, removing, storing or warehousing the same, and of all other charges due to the Commissioners under this Act in respect thereof.

(2) The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agent, on his applying for the same:

Surplus of sale proceeds to whom to be paid.

Provided that such application be made within one year from the sale of the goods, or good reason be shown why such application was not so made to the satisfaction of the Commissioners; and in case such application shall not be so made, nor reason shown, such surplus shall be held by the Commissioners upon trust for the purposes of this Act.

121. If the master of any vessel in respect of which any tolls, dues, rates, penalties or charges shall be payable under this Act, on any rules or orders made in pursuance thereof, shall refuse or neglect to pay the same or any part thereof on demand, it shall be lawful for the Commissioners to apply to the Collector of Customs of the Port of Calcutta, and such Collector shall distrain or arrest of his own authority such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Commissioners shall be paid; and in case any part of the said tolls, dues, rates, penalties or charges, or of the costs of the distress or arrestment, or of the keeping of the same, shall remain unpaid for the space of five days next after any such distress or arrestment shall have been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, penalties or charges, and costs, including the costs of sale remaining unpaid; rendering the surplus (if any) to the master of such vessel on demand.

Power of Collector of Customs to distrain vessels for non-payment of tolls.

122. If the Commissioners shall give to the officer of Government whose duty it shall be to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates or charges, or penalties chargeable under this Act, or any bye-laws, rules or orders made in pursuance thereof against such vessel, or the owner or master of such vessel in respect thereof, or against or in respect of any goods on board

Port clearance not to be granted until tolls, &c., are paid.

such vessel, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

CHAPTER V.

Of the Powers of the Commissioners as Conservators of the Port.

Port dues received by Commissioners as Conservators of Port to form part of their income.

123. (*1*) Any port dues, fees or other charges received by the Commissioners as Conservators of the Port shall be deemed to be a portion of their income, and shall be included in their annual estimates and accounts.

Powers, &c., of Commissioners as Conservators.

(*2*) All the powers, authorities and restrictions contained in this Act in respect of the works by this Act authorized, shall apply to the works which may be executed by the Commissioners as such Conservators, to the sanction thereof, the estimates therefor, and the expenditure thereunder.

Port dues, &c., received by Commissioners as Conservators to be included in debt to Government.

124. Whenever the Local Government shall, under the provisions of the Indian Ports Act, 1889, issue an order which shall specify the amount of charge to which the Commissioners shall be liable in respect of the port dues and fees to be received by them as Conservators of the Port, the same shall be deemed to be a sum of money advanced by the Secretary of State for India in Council, and to be due on the day on which such order shall take effect.

CHAPTER VI.

Of Wrecks.

Commissioners to exercise functions of Receiver of Wreck.

125. The Commissioners shall, if and when appointed under the provisions of section seventy-three of the Indian Merchant Shipping Act, 1880, to be Receivers of Wreck within the limits of their jurisdiction, exercise within such limits all the functions of a Receiver of Wreck under the said Act.

CHAPTER VII.

OF BYE-LAWS.

Power to make, alter or repeal bye-laws.

126. (*1*) It shall be lawful for the Commissioners in meeting, from time to time, to make such bye-laws consistent with this Act and with the Indian Ports Act, 1889, as they may think necessary for any of the following purposes (that is to say) :—

(*a*) for regulating, declaring and defining the docks, wharves, quays, stages, jetties and piers, on and from which goods shall be landed from and shipped in vessels within the port;

(*b*) for the safe and convenient use of such docks, wharves, quays, stages, jetties and piers, and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same;

(*c*) for regulating the reception and removal of goods within and from the premises of the Commissioners, and for declaring the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(*d*) for the mode of payment of tolls, dues, rates and charges levied under this Act.

(*e*) for the removal of wrecks from the port or the river, and keeping clean the port, the river, the bank of the river, and the works of the Commissioners, and for preventing filth and rubbish being thrown therein or thereon;

(*f*) for regulating the hours during which European seamen, and apprentices shipped on the same footing as European seamen, may be employed on board ships lying in the port, or on docks, wharves, quays, stages, jetties and piers, in work necessitating exposure to the sun;

(*g*) for the guidance of persons employed by them under this Act, and

(*h*) for otherwise carrying out the purposes of this Act.

(*2*) The Commissioners in meeting may, from time to time, repeal, alter, or add to, any bye-law made under this section.

(3) No bye-law, repeal or alteration of any bye-law, shall have effect, until the same is confirmed by the Local Government.

(4) No bye-law, and no repeal or alteration of, or addition to, any bye-law shall be confirmed, until the same has been published in three consecutive numbers of the *Calcutta Gazette*.

Penalty for infringement of bye-laws.

127. In making any bye-law under the last preceding section, the Commissioners in meeting may direct that a breach of it shall be punishable with fine which may extend to five hundred rupees; and when the breach is a continuing breach, with a further fine which may extend to two hundred rupees for every day after the first, during which the breach continues.

Bye-laws and tables of tolls, &c., to be printed and hung up at docks, &c.

128. The Commissioners shall cause the said bye-laws and the tables of tolls, dues, rates and charges leviable, to be printed in the English and Bengalee languages and characters, and to be hung up at the several docks, wharves, quays and jetties, and other convenient places on the premises of the Commissioners.

CHAPTER VIII.

Of the Constitution and Control of Port Police Force.

Constitution of Port Police Force.

129. A Police Force shall be formally enrolled for the Port of Calcutta to be styled the "Port Police Force," and shall consist of a Special Superintendent to be called the "Superintendent of Port Police," and such number of officers and men as the Local Government shall, from time to time, direct.

Port Police Force to be under control of Commissioner of Police.

130. The Port Police Force shall be under the direction and control of the Commissioner of Police for Calcutta, and shall form a portion of the Police Force of Calcutta, and shall be subject to the provisions of the Calcutta Police Act, 1866.

Superintendent of Port Police to act under control of Commissioner of Police.

131. The Superintendent of Port Police shall, in all matters connected with the prevention of crime, and the detection, apprehension and detention of offenders in order to their being brought before a Magistrate, and the preservation of the public peace, act under the direct control of the Commissioner of Police for Calcutta.

132. The Superintendent of Port Police shall submit daily reports to the Commissioners of all offences (if any) committed contrary to the provisions of this Act, or of the Indian Ports Act, 1889, or of any port rules and bye-laws in force prescribed in accordance therewith; and of all accidents occurring on the river within the limits of the Port.

Superintendent of Port Police to submit daily reports of offences.

CHAPTER IX.

OF THE PORT POLICE BUDGET.

133. (1) The Commissioner of Police, on or before the first day of January in each year, shall transmit to the Commissioners a budget or estimate of the expenses of the Port Police Force for the financial year commencing on the first day of April then next ensuing.

Commissioner of Police to submit budget or estimate of Port Police Force to Commissioners.

(2) The Police Budget shall show the various heads of expenditure of the Police Force.

134. (1) The Chairman shall lay every such budget before the Commissioners at the first meeting of the Commissioners held after such budget has been transferred.

Budget when to be laid before Commissioners.

(2) The Commissioners shall thereupon forward such budget to the Local Government, with such remarks as to them may seem fit; and it shall be in the discretion of the Local Government to pass, or to reject, or to modify, all or any sums entered in the same.

Budget to be submitted to Local Government.

(3) The amount of the estimates passed, or such proportion of the same as shall be fixed upon by the Local Government, shall be paid to such officer as the Local Government may, from time to time, direct, by the Commissioners.

Amount of estimates passed to be paid to officer appointed by Local Government.

CHAPTER X.

MISCELLANEOUS.

135. The Commissioners shall not be answerable for any act or default of any Conservator or Harbour Master of the port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assis-

Indemnity to Commissioners against default of officers, &c.

tant, heretofore or hereafter done within the limits of the port; nor for any damage or injury heretofore or hereafter sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the Commissioners within the port which may be used by such vessel:

Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by, or under the express order or sanction of, the said Commissioners.

Penalty for accepting illegal gratification.

136. If any person employed under this Act, not being a public servant within the meaning of section twenty-one of the Indian Penal Code, shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration as a reward for doing or forbearing to do any official act, or for showing or forbearing to show in the exercise of his official functions favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Commissioners, or with any public servant or with the Government as such, he shall be liable to the same punishment as is provided for in that behalf by the Indian Penal Code, in the case of public servants.

Penalty for committing certain nuisances on docks, &c.

137. Any person who wilfully deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, refuse or filth of any kind, or any animal matter, or any broken glass, earthenware or rubbish, in or upon any dock, wharf, quay, stage, jetty or pier belonging to the Commissioners, or in or upon any part of the river bank within the port, shall be liable to a fine not exceeding ten rupees for each offence.

Jurisdiction in case of offences committed within Calcutta.

138. (1) Every charge of an offence against any provision of this Act, or of any rule, order or bye-law made under the provisions of this Act, alleged to have been committed within Calcutta, may be instituted before any Magistrate having jurisdiction, who may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person do not appear, the Magistrate may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

(2) If such person do appear, then the procedure laid down in the Code of Criminal Procedure, 1882, from sections two-hundred

and forty-two to two hundred and forty-eight (both inclusive), shall be followed.

Jurisdiction in case of offences committed out of Calcutta.

139. Every charge of an offence against the provisions of this Act, or of any rule, order or bye-law made under the provisions of this Act, alleged to have been committed out of Calcutta, may be heard and determined by any officer authorized to exercise any of the powers of a Magistrate in the place in which such offence may be alleged to have been committed, according to the provisions of the Code of Criminal Procedure, 1882.

Police officers to give immediate information of certain offences.

140. It shall be the duty of all police officers, whether members of the Port Police Force or not, to give immediate information to the Commissioners of any offence committed contrary to the provisions of this Act, or of the Indian Ports Act, 1889, or of any bye-laws or rules having the force of law prescribed in accordance therewith.

Police officer may arrest persons committing nuisances.

141. (*1*) Any such police officer may arrest any person committing in his view any offence against any of the said provisions, if the name and address of such person be unknown.

(*2*) Such person may be detained at the station-house until his name and address shall be correctly ascertained.

Time allowed for institution of suits.

142. No suit shall be brought against any person for anything done, or purporting or professing to be done, in pursuance of this Act, after the expiration of three months from the day on which the cause of action in such suit shall have arisen.

FIRST SCHEDULE.

(SEE SECTION 2.)

Acts of the Lieutenant-Governor of Bengal in Council.

Number and year.	Subject.	Extent of repeal.
Act V of 1870	To appoint Commissioners for making Improvements in the Port of Calcutta.	So much as has not been repealed.
Act IV of 1879	To provide for the levy of fees upon certain passenger-boats and steam-ferries.	The whole.
Act IV of 1880	For amending the Calcutta Port Improvement Act, 1870.	So much as has not been repealed.
Act I of 1881	To amend the Calcutta Port Improvement Act Amendment Act, 1880.	The whole.
Act II of 1883	To amend the Calcutta Port Improvement Act, 1870.	Ditto.
Act II of 1885	To enable the Commissioners for the Port of Calcutta to construct docks.	Ditto.
Act III of 1887 ...	To amend the Calcutta Port Improvement Act, 1870.	Ditto.

SECOND SCHEDULE.

(*See Section* 20.)

FORM OF DEBENTURE.

The Commissioners of the Port of Calcutta.

The 18 .

No.

BY virtue of the Act No. of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, entitled "The Calcutta Port Act, 1890," we, the Commissioners of the Port of Calcutta, in pursuance of the powers vested in us in sections and of the above Act, and in accordance with the advertisement, dated in consideration of the sum of Rs. paid to us by , promise to pay to the said or order the sum of Rs. thirty years after the date hereof, together with interest thereon at the rate of per cent. per annum, payable half-yearly on the day of and the day of But if default shall be made for two consecutive half-years, in either the payment of the interest or making the necessary investments on account of the sinking fund, the loan shall at once become repayable.

"(*Signature of the Chairman or Vice-Chairman and two Commissioners.*)"

THIRD SCHEDULE.

(*See Section* 91.)

FORM OF RECEIPT FOR GOODS.

By the Commissioners of the Port of Calcutta.

Landed during the day of from the by the Commissioners of the Port of Calcutta the noted in the margin (*if there be any apparent injury this is to be stated*), contents and state of the contents unknown.

For the Commissioners of the Port of Calcutta.

A. B.

CALCUTTA;

day of 18 .